

Steven L. Weinstein
steveattorney@comcast.net
P.O. Box 27414
Oakland, CA 94602
5101 Crockett Place
Oakland CA, 94602
Telephone: (510) 336-2181

[Additional counsel appearing on signature page]

Attorneys for Plaintiff ABANTE ROOTER
AND PLUMBING, INC. and the alleged Class

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

**ABANTE ROOTER AND PLUMBING,
INC.**, individually and on behalf of all others
similarly situated,

Plaintiff,

v.

**UNLOCKED BUSINESS STRATEGIES,
INC.**, a New York corporation, **MERCHANT
INDUSTRY, LLC**, a New York limited
liability company, and **THOMAS R. COSTA**,
an individual,

Defendant.

Case No. 4:19-cv-07966-JST

**STATUS REPORT AND REQUEST TO
VACATE CASE MANAGEMENT
CONFERENCE**

Plaintiff Abante Rooter and Plumbing, Inc. ("Abante" or "Plaintiff") respectfully provides the following status report and requests that the Court vacate the case management conference scheduled for July 21, 2020. In support of this request, Plaintiff states as follows:

1. Plaintiff filed its Class Action Complaint on December 4, 2019, against Unlocked Business Strategies, Inc. ("UBS"). (Dkt. 1.)

2. On February 17, 2020, Plaintiff filed its First Amended Class Action Complaint,

1 which names Thomas Costa ("Costa") as an additional defendant. (Dkt. 15.)

2 3. On April 20, 2020, Plaintiff filed its Second Amended Complaint ("Complaint")
3 naming Defendant Merchant Industry, LLC d/b/a Swipe4Free ("Swipe4Free") (collectively with
4 UBS and Costa "Defendants").

5 4. On May 21, 2020, the Court continued the previously scheduled case management
6 conference to July 21, 2020. (Dkt. 31.)

7 5. Plaintiff served UBS, via its registered agent, on April 22, 2020. (Dkt. 32.)

8 6. Plaintiff served Swipe4Free on April 24, 2020. (Dkt. 33.)

9 7. Plaintiff served Costa on March 5, 2020. (Dkt. 34.)

10 8. None of the Defendants have entered any appearance or reached out to Plaintiff's
11 counsel.

12 9. On July 13, 2020, the Clerk of Court entered default against all Defendants. (Dkt.
13 36.)

14 10. In light of the entry of default, Plaintiff respectfully requests that the Court vacate
15 the July 21, 2020 case management conference.

16 11. Plaintiff is currently preparing a motion for class certification, which it intends to
17 file within two-weeks.

18 12. Plaintiff intends to move for default judgment following a decision on class
19 certification.

20 Therefore, Plaintiff respectfully requests that the Court vacate the Case Management
21 Conference and for such additional relief as the Court deems necessary and just.

22
23
24 Dated: July 14, 2020

Abante Rooter and Plumbing, Inc., individually
And on behalf of all others similarly situated,

25 By: /s/ Taylor T. Smith
26 One of Plaintiff's Attorneys
27

1 Steven L. Weinstein
2 steveattorney@comcast.net
3 P.O. Box 27414
4 Oakland, CA 94602
5 Telephone: (510) 336-2181

6 Patrick H. Peluso*
7 ppeluso@woodrowpeluso.com
8 Taylor T. Smith*
9 tsmith@woodrowpeluso.com
10 Woodrow & Peluso, LLC
11 3900 East Mexico Ave., Suite 300
12 Denver, Colorado 80210
13 Telephone: (720) 213-0675
14 Facsimile: (303) 927-0809

15 *Pro Hac Vice

16 *Counsel for Plaintiff and the Putative Class*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above titled document was served upon counsel of record by filing such papers via the Court's ECF system on July 14, 2020.

/s/ Taylor T. Smith